IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL REVISION PETITION NO. 902/2002
(Subodh and Anr. Vs. Om Prakash Soni)

Date of Order : 13/07/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Shailendra Kala for the petitioners.
Mr. Haider Agha for the non-petitioner.

BY THE COURT:-

By the instant criminal revision petition under Section 397 read with Section 401 Cr.P.C., the petitioners have challenged the order dated 04.07.2002 passed by Judge, Family Court, Jodhpur (for short 'the trial court' hereinafter) whereby the trial court on an application filed by the petitioners granted maintenance under Section 125 Cr.P.C. at the rate of Rs. 500/- per month in favour of each of the petitioners from the date of application i.e. 17.10.96.

I have heard learned counsel for the parties. Perused the order impugned.

It is contended by the learned counsel for the petitioners that the trial court erred in awarding maintenance on the lower side.

Learned counsel appearing for the non-petitioner submits that in the petition filed by the petitioners under Section 125 Cr.P.C., they sought the maintenance at the rate of Rs. 500/- per month and the trial court has awarded the amount sought, therefore, there is no illegality.

Learned counsel for the petitioners submits that subsequently, there was an amendment in Section 125 Cr.P.C., whereby the maintenance has been enhanced and therefore, the petitioners claim the enhanced maintenance.

I have carefully gone through the order impugned as also the record of the trial court. From the perusal of the order impugned as also the record, it appears that the case set up by the petitioners in the trial court was for awarding maintenance at the rate of Rs.500/- per month in their favour and therefore, it cannot be said that the trial court has committed any error, illegality or perversity in awarding the maintenance allowance. However, if the petitioners feel that there is a revision in the income of the present non-petitioner as also increase in the living cost, it is always open for the petitioner to seek alteration in the maintenance allowance under Section 127 Cr.P.C.

In the circumstances, therefore, I do not find any error, illegality or perversity in the order impugned warranting interference in the revisional jurisdiction. The revision petition is dismissed. However, it is open for the petitioners to move the Family Court for alteration/revision of the maintenance under Section 127 Cr.P.C.

(H.R.PANWAR),J.

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